

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FIRST NIAGARA BANK, N.A.,

Plaintiff,

v.

Civil Action No.: 13-592

MORTGAGE BUILDER SOFTWARE, INC.,

Defendant.

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**NOTICE OF MOTION**

Nature of Action: Breach of Contract.

Moving Party: Defendant.

Directed To: Plaintiff.

Date and Time: To be scheduled by the Court.

Place: United States Courthouse, 2 Niagara Square, Buffalo,  
New York 14202.

Supporting Papers Statement of Undisputed Facts Pursuant to Local Rule 56.1; Declaration of Kevin T. O'Brien, dated March 6, 2015, with exhibits; and Memorandum of Law.

Answering Papers: If any, are due 28 days after service of this motion pursuant to Local Rule 7(b)(2)(A) unless the Court issues an Order setting deadlines pursuant to Local Rule 7(b)(1).

Reply Papers: Defendant intends to file and serve reply papers.

Relief Requested: An Order granting Defendant's Motion for Summary Judgment, costs, fees, disbursements, and other relief as this Court may deem just and proper.

Oral Argument: Requested.

Dated: March 6, 2015

**WEBSTER SZANYI LLP**  
Attorneys for Defendant

By: s/ Kevin T. O'Brien

Thomas S. Lane  
Kevin T. O'Brien  
1400 Liberty Building  
Buffalo, New York 14202  
(716) 842-2800

**TO: HODGSON RUSS LLP**

Stephen W. Kelkenberg, Esq.  
Ryan K. Cummings, Esq.  
Attorneys for Plaintiff  
The Guaranty Building  
140 Pearl Street, Suite 100  
Buffalo, New York 14202